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Spring 5-1-2012

## The Accused

Nathan Damon Hopper  
*Syracuse University*

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### Recommended Citation

Hopper, Nathan Damon, "The Accused" (2012). *Syracuse University Honors Program Capstone Projects*. 102.

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# **The Accused**

A Capstone Project Submitted in Partial Fulfillment of the  
Requirements of the Renée Crown University Honors Program at  
Syracuse University

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May 2012

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## Abstract

Exonerations are increasing, largely thanks to the advent of DNA evidence, which several prisoners' rights advocacy groups, like the Innocence Project, have used to prove the innocence of the convicted. But returning home after spending years imprisoned for a wrongful conviction brings with it several types of challenges: psychological, financial, and simply personal.

Roy Brown, the main subject of this story (though there are several other important characters) is an incredibly intricate man. Before his 25-to-life sentence for the murder of a county social worker, he'd faced several other convictions for a slew of misbehaviors and a general disregard for the law, which undoubtedly affected his guilty verdict. For instance, the jailtime he spent closest to the unjust murder conviction was for threatening to kill another social worker. But prison changed Roy in many ways. He contracted an illness that nearly killed him. He attempted suicide. And after prison, he suffered from nightmares of being back in his cell. But in other ways it actually helped him. It seemed to give him a greater sense of purpose. The settlement money he received allowed him to buy himself a home with a three-car garage (and several sportscars to fill it), become a fulltime landlord, and make more money than he ever did from prior wages. And for a time his return brought his fractured family closer together than they'd ever been—but only for a time.

It's hard to value the good versus the bad in Roy's case; he himself can't seem to completely do it. But his overall takeaway was one of loss. This matches the findings of reports by the Innocence Project, a *New York Times* survey, and a study by forensic psychiatrist Adrian Grounds. Grounds' 2005 psychological study of 18 wrongfully convicted men constitutes the largest ever such study on the effects of incarceration on the *wrongfully* convicted. And in it Grounds found that the paradigms constructed by studies of imprisonment generally may not completely cover the feelings of wrongdoing that many of the wrongfully convicted struggle with.

This capstone project is a feature article intended for a general interest magazine. It illustrates the story of one man's struggles with life after his exoneration in a way that both informs and entertains the reader. As most magazine features do today, it applies elements of narrative fiction—i.e. symbolism, character description, and simile—to facts. In doing so, it intends to affect how readers perceive the victims of unjust convictions and enlighten them to the problem of the punitive system within their society.

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### **Acknowledgements**

I would like to thank Mark Obbie for his wonderful insights into how to best compose this piece so that it's purpose comes across as clearly as possible.

I would like to thank Melissa Chessher for her work, help, and encouragement. From my first story pitch, through reporting this story, and beyond, your guidance was essential to me taking on and completing a piece that I am this proud of. (You also helped teach me how to allow myself to be proud of something.)

## Summary

In many ways, this is the story of Roy Brown, who spent 15 years incarcerated for a murder he didn't commit. But even after attempting to commit suicide in jail and surviving the cirrhosis he contracted long enough to prove his innocence, his struggles had just begun. He was poor, without health benefits (and still dying from the disease), and awaiting a settlement with the state. He was psychologically tormented: he felt wronged, he suffered from nightmares, and he felt left behind. And he was left behind. His children had grown up. He was now a grandfather. Family and friends had died. He now was indebted to those who believed in him over his fifteen years.

But in many other ways, this is the story of the hundreds of wrongfully convicted people who are increasingly returning to society as advocacy groups—and the convicted themselves—use the new sciences of DNA evidence to prove their innocence. The Innocence Project, one of the most famous and successful organizations, publishes annual reports of the plight of the wrongfully convicted. Few states offer them Medicaid upon release. Twenty-three states don't offer forms of settlements. And of those that do, only 10 offer different forms of assistance finding homes, jobs, and counseling. And the wrongfully convicted need psychological counseling. A 2005 study by Adrian Grounds, a forensic psychiatrist, found that many of the wrongfully imprisoned suffer from Post-Traumatic Stress Disorder-like symptoms; they're shells of themselves who are disaffectionate to the people they once loved, wake up in the middle of the night

with nightmares, and sometimes go through psychotic episodes of paranoia that forever disrupt the relationships they work so hard to rebuild. Many of those who return to living with life partners after being released fail. Neither person can handle the change.

So Roy Brown is what many magazine professionals call “the face” of this feature article. That means that he, in many but not necessarily all ways, represents the greater issue: that there are more and more wrongfully convicted people returning to society, and society neither seems to capable of healing their wounds nor seems prepared or interested in doing so. Roy also becomes the narrative vessel of this larger story. For decades, magazine features have adapted the stylings of fictional storytelling to elucidate the truth in an insightful, entertaining, and memorable way. So the conflicts in Roy’s story, in a sense, become allegorical.

But this manner of storytelling is impossible without access. And because of recent events (he’d been charged with criminal possession of \$500-worth of drugs) Roy made himself decently inaccessible. So I called his siblings. First I spoke with his stepsister, Billie Jo, who told me his backstory, including an anecdote that painted Roy as an antihero—if even that. But she and Roy hadn’t spoke in years, so she gave me the numbers of her and Roy’s brothers. And one by one, I called them to continue fleshing out Roy’s story and the general story of their family, which is filled with bickering, grudges, and crime. In my interviews, while not shying away, I worked to prove to Roy’s brothers that I was

trustworthy—that I sought the truth and nothing more. I had no vendetta, no opinions. I just wanted to understand. And I wanted to get the story right. And so one asked Roy if he felt comfortable with me getting his phone number. Roy agreed.

A few weeks later, I sat in Roy's house for three hours. I went through pages of questions and stayed quiet after each one so he'd say as much as possible. His answers were very frank. He actually seemed to enjoy recounting his life to me. Though that doesn't mean things were simple. I had to call him or one of his siblings back several times to wade through stories that someone must've lied during, in an attempt to find the truth. Sometimes, it was impossible to find out exactly what happened—especially when it happened so far in the past. But in those stories, I found other truths about how both people involved perceived themselves. And self-perception is as important as anything else to bringing a character to life. And bringing life to these real characters is part of the aim. I remember reading a story from one magazine writer who intended to profile a celebrity for a magazine. He asked the person's publicist for as much time as possible with the story subject. She said to him something along the lines of, "Ugh. This isn't one of those stories where you try to 'figure them out'—is it?" He said of course it was. What would be the purpose otherwise? So for this story, I tried my best to figure out Roy Brown.



But as I've said, I didn't want the story to just be a profile—a portrayal of an individual. I wanted to explore this greater issue. So I read several of the Innocence Project's reports. And I read Adrian Grounds' very long, detailed, and fantastic study. I also emailed him several questions, which he responded to. And in doing so, I did my best to fit myself into the mind of someone who was wrongfully convicted as they returned to the world they were unjustly forced to leave. I did that not so that I could write in the first person—one of the pitfalls several magazine journalists become trapped in—but because otherwise, it's hard to understand. And it's hard to weave together paragraphs of other people's truths if you don't feel you understand them.

And that's the goal: understanding. Not just for the writer and the experts in the field, but for the readers. The best magazine articles take on greater truths. And they take them on in a fashion so that people will remember and grapple with those truths forever in a much greater light than they had before reading about people they may never meet in person—but will on the page.

# The Accused

QuickTime™ and a  
decompressor  
are needed to see this picture.

**R**oy Brown sits on a loveseat in his sitting room. The space is decorated like a mix between a church, a tropical greenhouse, and a therapist's office. A frame and a print of a painting rest in one corner. In another, a small lion statue prowls, and along a wall stands the bust of an angel. Plates with pictures of

tigers, toucans, and giraffes are set out on the coffee table, between the loveseat and a fainting couch. Outside of the home, in Chittenango, N.Y., a red Lamborghini resides in his three-car garage; three sports cars, including a Bentley, sit in his driveway, beside his white Lincoln stretch limo on the front lawn; and a mounted deer head lies in the corner of the stone garden that hugs the front of the house. Roy says he got everything on discount: he got the furniture at local flea markets and he bought the cars in Florida.

But the real reason he could buy everything is because five years ago New York State repaid him. On March 5, 2007, Roy was freed from prison after spending 15 years incarcerated for a murder he didn't commit. Then in December 2008, the state awarded him \$2.6 million. But while the settlement afforded him sports cars and a room just for sitting, it may not have been enough to heal all his wounds or ease all his new pain. In the five years since his release, Roy has received a successful liver transplant to cure him of cirrhosis, earned more money as a fulltime landlord than he ever did with his pre-prison wages, and faced new accusations from the police, as well as his family. The repayment may help remedy the third of his life he lost to an unjust conviction. It also may not.

**R**oy limped out of the courtroom in the Cayuga County Court House with his arms wrapped around his two lawyers' shoulders. After he mumbled a few answers to reporters, the two supported him down a set of stairs, coaxing him, "You're almost there." They guided him around the metal detector, into the lobby

and the arms of his crying younger stepsister, Billie Jo Kuzcynski. She grasped his neck, and other family members joined the hug. His cirrhosis, in its final stages, had emaciated him. His eyes sank into the shadows cast by his brow. His cropped hair was a dim gray; his taut skin, a pallid sulfur tone. Amidst the celebration, he looked incapable of mustering a smile.

About 15 years earlier, a Cayuga County jury convicted Roy of the murder of Sabina Kulakowski, a vivacious, pixie-like county social worker. Firemen found her dead in a field near the smoldering farmhouse where she lived. She was naked, stabbed, and bitten, with many of her injuries seemingly inflicted after her death. The murder occurred days after Roy finished an eight-month sentence for drunkenly threatening to blow off another county social worker's head with a shotgun if he didn't allow Roy visitations with his daughter. Roy had never heard of Kulakowski or the town she lived in. He didn't own a car. And he had too few teeth to create the bite marks on her body—the crux of the prosecution's case. But a slew of shady testimonies; evidence that dammed another man, but stayed hidden by the police; and apparent spite from the presiding judge led to his conviction and a 25-to-life sentence.

In prison, Roy attempted to hang himself from a pipe in his cell, but the wet mop string snapped under his weight. He more than doubled the infirmary doctors' prediction of how long he'd survive his cirrhosis. His older brother Tim remembers a doctor telling him during a visit with Roy, "Listen, if he goes back into the infirmary again, you can't visit. You can claim the body if he dies. That's it." But Roy survived. He studied in the prison's law library and completed the

bulk of the investigation and legal work that eventually freed him a decade after his lawyers told him there was no more he could do. He became the 196th person in the United States exonerated because of DNA evidence. The count comes from the Innocence Project, a nonprofit group that supplied lawyers to Roy and many others who were wrongly convicted. Its count, while imperfect, is widely regarded as the most comprehensive. And particularly because of the advent of DNA evidence and advocacy organizations like the Innocence Project, the number of exonerated citizens returning to free society is increasing. Since Roy's full exoneration a little more than five years ago, that number has grown to 289.

A free man, Roy walked out of the courthouse into a cloudy, cold January day with flurries falling around him. He was going home. But like many people who go to prison, he found that most of the places and people he returned to barely resembled those he'd left. The trees were gone. They'd been replaced with cityscape. Everyone plucked cell phones—which inmates called “magic phones”—from their pockets. The old bars had been drained. Roy would go looking for his friends, but they'd left or died from a car accident, cancer, or a drug overdose. Roy's prison dreams of picking up his kids for the weekends had become dated. One of his daughters had three children. Another had six. In place of those dreams came paranoid nightmares—symptomatic of the PTSD-like effects that studies have shown the imprisoned suffer. In them, the police would arrest Roy for no reason, or he'd be in prison and just accept it—he wouldn't question why.

Roy was also still dying. Since exonerated people do not automatically qualify for Medicaid—and few states offer it to them—the Innocence Project worked to ensure Roy’s limited insurance covered the care he needed to keep living. Some days he could barely see. He became breathless from standing up. If his gait quickened too much, his knees buckled. He lived at his brother Don’s house in Mexico, N.Y., so Don could look after Roy. But one day, around a week after his release, Roy looked at the snow outside and decided to go buy a newspaper from the corner store. On the walk back, he collapsed in the snow, unconscious. He woke up in the hospital, to Don asking him what he’d been thinking. “You can’t just go walking down the street in your condition,” Don said. Roy replied, “Yes I can, because I’m free. It doesn’t matter if I can make it to the store and back. What matters is I can get up and go.”

And on Mother’s Day, 2007, about two months after his release, Roy received the call that doctors told him not to expect: they had a liver transplant for him. As he woke from the anesthesia, he remembers looking at his hands, no longer yellow, and telling himself, “That’s the color of life.”

Up until his surgery, his siblings piled around bed-ridden Roy and flipped through pictures, reminiscing and feeling the closest they had in decades. Aside from moving around to Air Force bases with their mother and stepfather (Billie Jo’s biological father), the Brown children mostly lived apart. He and his

older brothers moved out; their other brother Robert, and Billie Jo also moved around, but to different places.

Roy enjoys telling the tales of his travels and recounts them with the candor of someone either raised honest and with blunt disregard for the law, or a liar still competing with his siblings for notoriety. It's impossible to tell exactly how much is true, but each story provides insight into how he perceives himself. And the stories his siblings offer of Roy before and after prison depict and illustrate the life he left, and the people he returned to live with.

Roy paints himself as a vagabond, riding the '70s wave of hitchhiking across the country. At age 13, he hitched back and forth to Michigan to live under the supervision of his older brother Tim, who had left home when he was 15; their eldest brother, Butch, left at 16. Roy says he was out "raising hell," and along the way he picked up several charges and jail stays. One night, a prostitute friend paid him to accompany her around Syracuse, and a car pulled up and asked her what she was doing. Understanding that the man was propositioning her for paid sex, Roy called himself her brother and promptly left. But it was a sting, and before Roy got back to his car, the policemen put him in handcuffs. A couple years later, when a friend who dealt pot convinced Roy to join him on a visit to his stripper girlfriend at her job (under the condition that Roy would get to hang out with some of her coworkers), police pulled them over and discovered guns and scales in the trunk. Because his friend had a baby on the way, Roy says, he took the charges. Roy also picked up a DWI and spent several days in a California jail for hurling gravel at bouncers who kicked him out of a club.

Roy says that because of his travels, he and Billie Jo never grew too close. But Billie Jo says there was another reason—a reason that Roy renounces. She claims that, at an Air Force base in Hawaii, 10-year-old Roy pinned down 6-year-old her for the first time. With one hand, she says, he grabbed her wrists and held them over her head, and with the other, he covered her mouth. She says he raped her and continued raping her for years. She started making sure she and he were never alone together, and kept avoiding him through the murder conviction. “I would tell myself, even though he didn’t kill the woman, he did deserve some jail time for what he did to me,” she says. “But the longer he sat there, I thought, *Does he really deserve to die in prison?* And my guilt started to take over. I never believed my brother was guilty.” And while Tim and Robert, who haven’t spoken with Roy in two-and-a-half years, say Billie Jo told them about the molestation decades ago, Roy says he heard of it for the first time after his release. Billie Jo says she never pressed charges because she was too young to realize the police could protect her. She says matter-of-factly, “There’s no way for me to prove a word of this.”

When I asked Roy about what Billie Jo said, he denounced her as crying wolf, saying instead that during his incarceration she came to him and accused Tim of raping her. Roy didn’t believe it. Neither did Billie Jo when I asked her about it. “Tim was my favorite brother!” she said. “I would never had said that about him.” An hour after I asked Billie Jo about Roy’s counter-accusation, Tim called me. He slurred that he was going to drive down to Roy (Tim lives about three hours north) and kill him. “Fucking nigger ever talks about me raping my



sister, I'll cut his throat with a spoon," he said. "Next interview, we do from prison." I called Billie Jo to tell her what Tim said. She told me she'd calm him down and not to worry: Tim's only vehicle couldn't make it to Syracuse and his threats were mostly hollow. "This is how my brothers are," she said. "This is how Roy ended up in jail," when he threatened to kill the social worker.

But this all happened after a time when Billie Jo and Roy grew as close as they'd ever been. During Roy's imprisonment, their ailing mother begged Billie Jo to speak with him. She agreed, and Roy called her. She papered Upstate New York with flyers Roy made to petition his conviction. After she started getting involved with his case in 1994, she enrolled in community college and planned to get a law degree so she could help free Roy. After two years, she matriculated to Syracuse University, where in 2000 she received a bachelor's in sociology. Roy said she never finished; but her two degrees sit in a box in her attic. She visited Roy, bringing him food packages from their mother. And before their mother died in the February of 2002, she made Billie Jo promise to do everything she could to get Roy exonerated. The two grew close for the first time. "His values did change—he developed some," Billie Jo says, with a chuckle.

Roy planned to live with Billie Jo upon release and wrote her into his will as the trustee of his estate. He planned to receive a settlement from the state to compensate him for the injustice. But he didn't expect to live to see the money, so he trusted her to split the settlement among his children and the grandchildren he'd never met.

But then Roy lived. And about four days into his recovery, he received a visit from his first but estranged love, Raina. The two met as 13-year-olds outside a bar their parents frequented. Roy was sitting on the hood of his father's car, smoking a cigarette. Across the parking lot he spotted a "good-looking chick." He went inside, had a Pepsi and some chips, then returned to his perch. He caught her eye, too. His father came out of the bar with his stepmother, along with his uncle Larry and Larry's girlfriend, Donna. His stepmother started saying to him, "That girl is your cousin," but his father cut her off. "That girl ain't your god damn cousin," he said. "You can do whatever you want with that girl." Raina was Donna's daughter from previous relationship. The two began dating and Roy fell in love for the first time. At 14, when Roy says he had his own apartment and job earning \$170 a week, he told her they could grow old together. But Raina recoiled at the idea of growing up so fast and they eventually broke up and grew out of touch. When she came to see him at the hospital, they kissed and she held him like miles, failed marriages, and years had never separated them. They fell back in love. But Billie Jo says she and Robert worried about Raina's intentions: she showed up at the hospital just days after news outlets reported Roy would live to see the settlement money. Tim discards the accusation though, "It's so easy for family to blame somebody else for what's going on with their brother."

Whether Raina had ulterior intentions or not, on Dec. 8, 2008, Roy saw the money. (Later, the two married.) He received a \$2.6 million settlement from New York State to compensate him for the time he lost. Video of the occasion shows the judge, who'd replaced the retired judge who presided over the murder

conviction, apologizing to Roy, saying, “It’s a lot of money, and you’re certainly entitled to it. No question about that. It was a terrible tragedy for you.” Later, Roy says, nodding his head and barely smiling, “I’m doing pretty good. I’ll be doing a lot better as soon as the check clears.” And while Roy says he didn’t let money change him, it did hurt his relationships with some of those close to him. He says he paid his siblings \$25,000 each, but that he gave Billie Jo an additional \$100,000 as a loan so she could start a bottle-return business. Billie Jo says it was a gift for her devotion through prison—matched only by their brother Don, who Billie Jo says also received more money. Roy expected her to pay him back and says the discrepancy is the core of why they haven’t spoken in over two years. She says they fell out of touch because of a heroin-fueled drug binge, which he denies. (There’s a strange story the two share. Roy says Billie Jo sent cops to his house in search of drugs. Billie Jo says the Drug Enforcement Administration came to her and Don for help in a case against Roy, but maintains they refused. The DEA would not comment.)

**B**ut despite all the bickering it brought, the settlement was a sort of luxury that, according to Innocence Project statistics, 40 percent of exonerated people do not receive. The median annual amount of compensation is about \$24,000—less than half of the federal standard of \$50,000, which many, like Roy, can’t pursue because they can’t afford the counsel or the wait (Roy feared he’d die before he received money); it takes an average of three years to receive state

compensation. And the exonerated leave prison poor. As Roy said in a 2007 Innocence Project report that chronicled their help securing him medical care, “When you get out of prison, they give you \$40 and a pair of corduroy pants, but that’s only for the guilty people. I didn’t even have anything to wear.” Some men still have to face the stigma that employers reserve for ex-convicts. One man, the Innocence Project writes in its 2010 report entitled “Making Up For Lost Time,” carries a copy of his pardon everywhere. For many left uncompensated, retirement becomes impossible. And twenty-three states don’t offer the possibility of settlements for victims of illegitimate convictions; of those that do, only ten provide job placement, housing assistance, legal assistance, and counseling.

In his fascinating, almost literary 2005 study, “Understanding the Effects of Wrongful Imprisonment,” Adrian Grounds details the psychological struggles of 18 victims of unjust sentences. In 1993, about a year and a half after Roy entered prison, Grounds, a forensic psychiatrist, was asked by the British government to see five exonerated men. They’d been incorrectly convicted to life sentences for two separate pub bombings that killed 26 people and injured 247 about two decades before. Grounds needed to write psychiatric reports for their claims for compensation. In the study, for which he interviewed 13 others, Grounds wrote, “I did not expect to find evidence of psychiatric morbidity.” But he did.

Because of the small number of subjects, Grounds cautions against making generalizations and assuming those interviewed—all of whom were men—represent the entire exonerated population. He acknowledges that since the

interviews intended to help determine the reparations the interviewees received, the victims may've exaggerated their suffering. But he also writes that often prisoners learn to suppress their emotions, and many of the interviewees reported sleepless or anxious nights after recounting their experiences because they hadn't analyzed their emotions before. Nonetheless, Grounds' work constitutes the largest study of the psychological effects of *wrongful* incarceration.

Each subject spent at least six hours being interviewed on their pasts, their interactions with the police, and their lives after release. Grounds also interviewed at least two other people who knew the subjects well before prison—family, long-time friends—in order to corroborate their personalities before and after. And some cases resembled Roy. Most left school before sixteen; a *New York Times* survey in 2007 of 137 exonerated people found over half hadn't finished high school. Five of the 18 from Grounds' study recalled histories of heavy alcohol abuse and two of illicit drug use. Eleven had previous convictions. Twelve had fathered children. And half (nine, that is) served 15 years or more for wrongful sentences.

Like Roy, they entered into prison as fathers and exited as grandfathers. And disconnected. One man said of when, during prison visiting hours, his children asked him when he'd come home: "There's nothing you can say to them... your world is crumbling around you." And when the men came home, despite the years that'd passed, they reverted to mentally living at the age of when they left; for some, that meant they were 40-year-olds thinking they were still 25. They also felt like the people were the same age they'd left them at, too, which

made them incapable of relating to peers and family members who'd moved on or grown up. Some could relate to strangers better than family—or to prison.

Grounds writes that one man secretly snuck out in the dark and drove to the prison to stand and remember being his cell. He said, "The family wants me to cut off the past but I can't get ride of the past." Some didn't feel anything toward their families. "There comes a time when your family is just a word," said one. "It's like a slow death. In the end you feel nothing. You are made not to care. I've got... kids and I wouldn't care a fuck if I didn't see them again."

It was just as strange and difficult for the interviewed family members. They'd struggled, but adapted to life on their own. Now their men returned withdrawn, distrustful, and unaffectionate. Strangers. Or shells. One slept with kitchen knives under his pillow. Another tore his bedroom doors from the hinges in a fit of paranoia, convinced the police would come and take him. Another man's mother admitted to Grounds that having her son in prison was easier than having him home. And those who tried to return to living with past partners, couldn't. Grounds writes, "these breakups were particularly tragic."

In an email, Grounds wrote that he couldn't give specific answers about Roy's case, since he didn't study it. But he did venture to offer a few insights: that Roy not returning to a previous wife after prison may have helped him, because he didn't suffer the loss of losing a loved one like many others did; that the family's initial feeling of closeness could've been affected by how separated their pasts had been; and that Roy unexpectedly surviving cirrhosis may have saved him from a depressed outlook of his future.

But Roy fell into another common trap: the *New York Times* survey found that one-sixth of the 137 respondents fell victim to abusing drugs, or back in prison. Roy says he can't drink alcohol with the cyclosporine he takes to help his body accept the liver transplant. Once, the smell of wine on Raina's breath as they kissed caused him to vomit. He doesn't drop the LSD that he did in his younger years, or the cocaine he admits to doing in prison. He says he's dropped pot. His inability to take drugs (which Billie Jo doesn't believe) removed him from a dangerous coping mechanism that ensnared many of the 18 men in Adrian Grounds' study as they tried to escape their depression or post-traumatic stress.

Yet late last October, Roy was driving around Syracuse with a man he'd hired to paint his kitchen and lay down tiles in his bathroom. On Davis Street, two Syracuse police officers patrolling the area because of its reputation for drugs watched as they pulled up in front of a corner store. They say they saw Roy exit the car and walk up the street to take pictures of vacant houses. Meanwhile, they watched as the other man went into the store and came out within half a minute. The car didn't have a front license plate, which provided the officers with a reason to pull them over. They searched the car—legally, a judge decided this October, almost a year later—and discovered a brick of heroin between the center console and passenger seat. One of the officers instructed Roy to get out of the car. After denying that he had any weapons on him, he consented to a pat down to

check nonetheless. In Roy's shirt pocket, the officer found a small amount of marijuana. In his wallet, he discovered cocaine. They arrested Roy.

They charged him with unlawful possession of marijuana, a pair of seventh-degree criminal possessions of a controlled substance, and possession and intent to sell of \$500-worth of heroin, a felony that could get him at least one and up to 25 years of prison November, if convicted. But the judge suppressed the police's evidence—the pot, cocaine, and heroin—because while the car search was legal, the officer illegally frisked Roy for more weapons, which Roy did not consent to. So on December 9, 2011, the judge dismissed the charges. Roy says he was never concerned.

Two weeks before the suppression, Roy sits on his loveseat. He wears silver full-rimmed glasses and dresses in all black. His grey hair flows in a ponytail out of a fedora. It's getting cold outside, and he says he's going to Florida for the winter, once the case is settled. He starts a fire in his fireplace—the first one he's ever owned—and says he'll never feel completely comfortable. Too much has changed. He leans back, his gut peeking out from beneath his black wife-beater, and says, "I'm never going to be back to the home they took from me."



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### Human Sources

Roy Brown

Billie Jo Kuczynski

Tim Brown

Robert Brown

Donald Brown

Adrian Grounds

## Reflection

### I. First Goals, First Questions

When I first began my capstone project, I had a different story in mind. I wanted to write about child soldiers, because I wanted to find out if those who could torture others could be rehabilitated. In most cases, society often assumes that yes, given a guilty verdict, murderers or torturers or the generally inhumane should go to prison or, depending on the jurisdiction, to hell, at our own hand. But our perception of child soldiers is different. We seem willing to try and rehabilitate them immediately. We seem to give them the best chance to *change*. And so I wondered if they could. In the story, I planned on expanding the idea into the classic Stanley Milgram experiment and filled up a folder on my computer with academic studies of the psychology of child soldiers. I planned to avoid Locke versus Hobbes, and social contract theory—I was writing a magazine article, and while the best works do expand into greater thoughts and ideas, I wanted to stay away from the philosophies of the past and keep closer to the beliefs of the people living through the struggles in contemporary times. And to do so, I needed to find people's stories to tell.

I couldn't. Or I didn't. It's hard to discern. I was a bit afraid. When I initially told the story idea to a professor, she sort of gave me this odd glance and cautiously said I should "put it away, for now." She mentioned something about having a box full of clips and story ideas that she herself kept, but there were other, more skeptical undertones, too. The skepticism was understandable. And so even after I

talked with Prof. Chessher, who encouraged me to pursue the story when she became my adviser, what the first professor said stuck with me. Maybe not in the way she intended, which was that I simply didn't have the writing and reporting skills necessary to really do this level of a story yet. But I also simply wasn't ready as a person to report the story as well as I really needed to. For the story, I wanted to go to a war-torn African country and experience life there. But I also didn't. I was afraid *I* would change. Because that's part of reporting and writing a magazine story: while you try (or at least I try) not to insert yourself into the narrative by using the first person, if you report the facts well enough by essentially reliving everything that happened with everyone who truly experienced it, and if you aren't sociopathic, you begin to feel like you were there, too. And that weighs on you. Maybe not in the same way that it will on the people who experienced it, but a writer often has a vivid imagination and sense of sympathy or empathy, or both. We wonder. And we often pursue experiences and insights in others that we don't ordinarily find in our normal lives. So yes, I would have to connect to these children's experiences. Deeply.

This is where, already, the quintessential journalistic debate comes in over objectivity. The problem with the debate is that nobody seems to know what objectivity means. The closest synonym I seem to find is "detached." But I also don't know how that is possible to attain. How can you walk someone through such pain, detail by detail, and not feel it with them? I think the distinction that "objectivity" attempts to make is that you're also not there to beg people to feel a

certain way. As a writer, you become tasked with laying out the simple, clean truth to every possible reader. The truth. Nothing “purple,” which is how some writers and editors and industry folk refer to over-written, flowery work. And you need to tell the truth fairly. (A brief aside: This becomes particularly difficult when covering politics, especially if one side is telling a lie. Reporters often interpret “objectivity” as giving equal weight to what both sides of a debate say. And so when a politician lies, many reporters, in pursuit of this mythical journalistic god, still give even the lying side some heft. The problem is, if you don’t, you become accused by the lying side as partisan—a real journalistic demon. But, returning to what I was saying...) If you keep balance and make your one true allegiance to reporting the facts, then, in my opinion, you’ve respected the true tenets of journalism.

But sometimes truth is hard to find, and even harder to keep a handle on. And so while I had already asked a man if he’d ever killed someone before (for another story, about an ex-gangster who now teaches suspended high school students how to turn their lives around; the man laughed at me in a kind and honest way, and he said if he was going to tell anyone, it sure as hell wouldn’t be me—which was fair, I thought), I didn’t know if I could carry the weight of asking dozens of children about the terrible things they’d done, sometimes to their own families. I didn’t know if I was ready. But I still wanted to write a story that reached toward a larger idea, because the magazine writing I admire and aspire to does that: it finds people to tell narratives that affect how others think about a greater issue.

And so I was lucky enough, in that way, at least, to find Roy Brown. I took a page out of Truman Capote's book and went looking through the local newspaper to find a story on a crime that could be expanded. And in the *Post Standard* I read about Roy's most recent arrest—for carrying \$500-worth of heroin—and how he'd been imprisoned for fifteen years for a murder he hadn't committed. I wondered how someone who knew how precious freedom was—and how easily it could be taken away—could play so loosely with the life that'd been returned to him. I didn't find an answer to that question; that's how reporting goes, sometimes. You can only anticipate so much of a story—you only want to anticipate so much of a story because if you focus on fulfilling your expectations too much, there's a good chance you'll miss the true story. And I found that the true story was actually this: my initial question shifted to not *can* people change, but rather how they *do* change—specifically when a society wrongs them and then they must return to that very same society.

## **II. Finding the Real Story**

I needed to talk to Roy, like I needed before to talk to the children themselves. But his phone number isn't listed and my normal "reporting" techniques of finding numbers came up empty. So I called his stepsister Billie Jo, who agreed to meet and talk with me. So I drove to her home (that's one of the strange things about journalism: in most non-repair professions, you don't really just get invited inside people's homes), and we sat at her kitchen table. For most of the time, it

was just a normal interview. While she and Roy hadn't spoken in a couple years, she still gave me plenty of backstory into the trial and her and Roy's childhoods. But about three-quarters of the way through, she told me something I didn't expect, and something she said she'd never told any reporter before: that, as a child, Roy raped her repeatedly.

When conversations like those begin, it's necessary to find a fine balance between being a journalist and a human. As a journalist, you need to ask the questions. Details allow readers to visualize and experience a story—they make stories become alive. But again, you're human, and so is the person you're speaking with, and they will still be human after you leave, after you write your story, after you finalize your story and send it to the printer, and after people read your story about their story. So I told her, "I'm going to ask you some questions, but you don't have to answer them if you don't feel you can. But I want you to try, because the more people know, the more they can understand." She said that was okay. And then, eventually, after finding out when and where, I asked her how he did it.

It was excruciating because for several moments I felt guilty. I became convinced that the only reason I was asking her was for me: if *I* wrote a good story because of this, then maybe *I* will get recognized, and maybe *I* will, as a result, get the job of my dreams. But that wasn't why I was asking her. Of course I wanted to write a good story—and getting a job doing this is, of course, a goal—but the reason, I

thought about as I listened to her, was because people need to know these stories. People need to feel them so that they can understand them. Yes, part of this is personal education and revelation, but individuals, if kept cloistered in the individual level, are meaningless. Individuals die. Ideas, discussion grow. So I asked because I wanted to help foster discussion by making people understand what it felt like to have her stepbrother rape her as a child—only for her to then help free him from prison. Forget Odysseus: that's real perseverance, from a real person.

After I finished asking her my questions, she gave me the phone numbers to her and Roy's brothers, who she said might give me Roy's number. I called them up one by one and talked with them about their pasts, Roy's past. I wanted them to trust me enough so that they'd feel comfortable putting me in touch with Roy. So I couldn't deceive them—and I wouldn't want to anyway (I don't understand why so many people perceive reporters as deceptive. Unless they imagine a reporter as a Fox anchor—which, I mean, *damn*, that's a shame). I asked them what they knew about what Billie Jo said Roy did. And they answered. And I think by asking them and talking it through with them, they understood that my goal wasn't to accuse or to pick sides, but just tell the story in an honest way. So one spoke to Roy, and then gave me Roy's number.

He didn't get back to me right away. In fact, he didn't get back to me until after my first deadline for a version of this story that I planned on writing for *Jerk's*

November issue. And so a few days before my deadline, I sat down and tried to write the story as best as I could, but only with Billie Jo's side. And I just couldn't. I squirmed around it for a while. I left my house (where I normally write), and I called a friend and had her meet with me to talk about it. I just couldn't do it. I couldn't accuse a man of raping his stepsister without giving him his say. But I was not only on a writing deadline, I was on deadline for my own section in *Jerk* (I edited the features section over this past year). I felt committed to getting something into those pages, because if I didn't, I'd fail twice over. So I wrote an opening and then went to bed for the night. The next day was when we were to finalize the stories for printing.

But Roy called me that day and we set up an interview for that night. And right after I printed out my questions, my computer died. I found out the next day that it died in a way so that I wouldn't be able to access any of my drafts or notes from previous interviews (Billie Jo, the brothers). And it saved me, because Roy Brown didn't only answer my questions—he also made several more.

### **III. Working With Roy and His Responses**

When I sat and talked with Roy, he was exceptionally open and seemingly honest—especially for a man who kept his phone out of the phonebook and you had to talk to several other people before getting a chance to talk with him. I asked him about many things, and we sat in his sitting room for about three hours, talking. I kept the question about Billie Jo until the end. That's a common



technique for interviewing people: you wait until the end to ask them the most difficult questions. As Chris Jones, a writer for *Esquire*, recently said on a visit here, “You don’t start with someone shooting someone in the head.” Often, when given the chance, some magazine writers work for days of interviews with people before they get to the hardest parts to talk about. I didn’t have that chance. So like I’d done with the brothers, I worked to build his trust and prove to him that I was just interested in telling his story as truthfully as I could. What was different this time though was that Roy’s brothers (the ones who still speak to him, at least) undoubtedly told him that I’d asked them questions about molesting Billie Jo. So when I got to it, he already knew it was coming.

He called her a liar. I don’t know why I expected differently. For some reason, I went there thinking he’d just admit it. It was extremely naïve and hopeful for the sake of my deadline. As I mentioned earlier with the story about asking a man if he’d ever killed someone, people, aren’t exactly willing to admit to murders and rapes that they haven’t been convicted of (regardless of statutes of limitations). But by him refusing to admit to it—or anything of the sort—I became stuck. Someone was lying to me. And on top of that, I quickly realized that there was no way for me to prove what either one said. I interviewed Billie Jo again (this is where my computer dying saved me: it forced us to hurry another story along to put in the magazine, since writing mine on time was now impossible, which then gave me the opportunity to do some more interviews) to see what she had to say about Roy calling her a liar. She wasn’t surprised; she said he’s been a liar for his

entire life. I asked if she could prove any of it. She said she couldn't because she was too young to have any faith in the police, or to really know that she should go to the hospital.

I didn't know if I should keep Billie Jo's story in the piece. As a magazine writer, you're supposed to gain so much information that you have too much that you can fit within your word limit. It's incredibly painful to know when you sit down to write and you just know that you don't have enough material. And you can often tell when reading a story if the writer simply didn't have enough. That's the way I would've been without Billie Jo's story; because of how late Roy got back to me, I didn't have time to really report any of the other things he'd told me. Plus, his lawyer never got back to me after several phone calls asking for a short interview. (Note: If a journalist ever calls you, even if you don't want to participate, you should still call them back as soon as you can to let them know that you're not interested. It doesn't take long.) But to include her story, it also needed a purpose within the article. Yes, if I knew it was true, it would illustrate who Roy Brown was, his dark history, and maybe even help persuade the reader that maybe, in this rare case, the wrongful conviction served justice in another way.

But because I couldn't prove it, I feared it would come across as just an argument between siblings who already didn't talk to one another. So I went through my notes and transcription of my interview with Roy. And in there I found something he said that made it apply to the storyline I'd been hoping for (i.e. I didn't want

this story to turn into a family arguing about something unprovable): that he said he'd only heard the accusation from her until after his trial. That element of timeliness gave Billie Jo's story more purpose: true or untrue, this was something that Roy returned home to.

Though it wasn't quite that simple. When I asked Roy about Billie Jo, he also told me that when he was in prison, Billie Jo said to him during a visit that their brother Tim had raped her, too. I asked Billie Jo about that. She denied it. She actually laughed because she said she thought it was that ridiculous. This time, I'd anticipated that she wouldn't admit to it. So I left thinking I wouldn't include it in the story. Unlike Billie Jo's accusation of Roy, it had no sense of timeliness and I didn't really understand how a second accusation of rape that couldn't be substantiated would further illustrate anything about the story. And so that's how I felt when I left Billie Jo's home for the second time: the accusation of Tim wouldn't be included

But again, I didn't anticipate. Billie Jo, it turns out, called Tim after I left and told him what Roy said about the two of them. And so a few minutes after I got home, I received a call. At about 11 in the morning, Tim was drunk (he'd been called an alcoholic by a few people) and furious. As you read in the story, he threatened to kill Roy over what Roy said to me about Billie Jo. He literally said that there was nothing I could do, that Roy was a dead man. I tried to explain to him that Roy didn't say that Tim raped Billie Jo—in fact, Roy said he didn't believe Billie Jo

when she told him. I tried to explain to Tim what Roy was actually trying to do: paint Billie Jo as a liar. But Tim had none of it. He told me to “shut the fuck up” and that I didn’t understand “a damn thing” about his family. And not too long after, he hung up. I called Billie Jo right after and explained to her what happened; she was surprised because Tim had been in control when she talked to him, but said she took care of it. I tried calling Roy, but he didn’t pick up.

I didn’t know if I should call the police. This was around the time that the Penn State child molestation story filled every airwave and the question of whose responsibility it was to call the authorities was being debated everywhere. I’d largely sided on the argument of screw school protocol, the man who says he witnessed Sandusky with that boy in the shower had a human responsibility to call the police. But now I was put in a similar position, and it wasn’t as simple. I spoke with Prof. Chessher, and she recommended that I not get involved anymore; it was just a threat at this point, and I’d already spoken with Billie Jo who knew her family better than I did. I agreed. After we hung up, I tried to call Roy again, but he didn’t pick up (turns out, he was gone for the day anyway). And then I called Billie Jo to see what was going on. She assured me that Roy’s life was not in danger: Tim settled down when she talked to him, and the only car he owned couldn’t make the three-hour drive to Chittenango, and neither could Tim, given how drunk he was.

Then she told me that this is just how her brothers were—and that this was why Roy went to prison the time before he was convicted of murder. When she told me that, it changed my position on including this all in the story (even after Tim’s phone call, I didn’t plan on including it). The whole back-and-forth again, like the other, became more than just a debate; it now showed the volatility of not just Roy, but everyone in the Brown family. It provided a great deal of insight into who Roy was before prison and, again, who he might or might not be after.

I did choose not to include it in the version in *Jerk* because of the much smaller word limit I faced. Again: as a writer, you have to make valuations and decisions about what material best furthers your story—not just what material was the juiciest (Tim’s quotes were far and away the most eye-opening of any of the others I got, save maybe a couple). But when I had a greater number of words to make due with, I decided to put it in.

Initially though, I wrote it in the third person because I hate putting “I” in a story. (I honestly would write this entire reflection in the third person, if I could—admittedly partially so I could repeatedly refer to myself as “the man.”) But when Prof. Obbie returned the story to me with his edits. He seemed confused and disturbed by the anonymity. He wrote, “Quoting Tim via an anonymous source, with something so volatile, requires seeking Tim’s comments.” It echoed how I felt when I initially tried to write the story without giving Roy a fair chance to

respond. And so I didn't want the reader to trip on the validity of an anonymous accusation. So I took a breath and put myself in.

#### **IV. Structuring the Narrative**

When I first wrote this story, I began on what is now the second section of its current form: with Roy as he walked out of the courthouse, as a free man. I wrote it in mostly a linear fashion (aside from briefly restarting by going into his background) because I was again, by virtue of our fall production schedule, quickly on deadline again and the simplest form to construct a clean narrative is to tell it chronologically and then weave in explanatory details about studies and other research when they fit the subject matter. I also could fit in much less of the research than I would with the current expanded format, so the *Jerk* version of this story largely amounts to a profile of Roy.

But at the suggestion of my reader, Prof. Obbie, I switched it a little from the form I wrote then for this final piece. In the previous structure, he said (and I agreed), the takeaway that I was trying to create became muddled. I started too long ago instead of first bringing the reader to see how Roy lives today and then showing how he got here. So I took a chunk from the end and put it up at the top. But I needed a new opening line, and so I came up with "Roy Brown sits on the loveseat in his sitting room." My intent with the line is to show Roy as, well, relaxed in a sitting room because he now has enough space in his home to have a room for sitting. It doesn't hit as hard as the opening line of the previous version,

which began with Roy limping, being carried by his lawyers down into his family's arms. But unlike newspaper articles, people who read magazine articles allow the writer a little more time to get capture them. And I think that once the reader makes it to the end, they'll reconsider what they may have skimmed over in the beginning.

One of the hardest things about writing a magazine piece—and something I struggled the most with for this project—was deciding how much to decide for the reader. This comes up in the end of the opening, which I kept short in an attempt to not reveal too much. In the last few sentences of that second paragraph, I try to foreshadow what's to come and what the point is: that our ways of repaying the people we unfairly lock away just may not be enough at this point. I always hesitate to make sweeping, authoritative, normative statements. And I didn't want to say that "the repayment will never be enough" (What use would saying that be anyway?), but I also didn't want to say it was enough, because many of the people I spoke to or read about believed that it was. In fact, nobody I found thought that Roy received too much money (and he could've received more if he attempted to pursue a federal statement, though he was too ill to afford that). What I really hoped to do was use that moment to whet the reader's mind to something they need to be considering as they read Roy's story, so that they can come to their own conclusion based on the facts I present and the story I tell.

I faced this similar dilemma at the end. I did want to leave the readers with an image of Roy today (and by putting a chunk of the scene of him today at the top of the story, I created a sort of echo between the beginning and the ending of the story, which is common practice in magazine feature writing). And I knew what my takeaway from the image was of these lines:

*He starts a fire in his fireplace—the first one he’s ever owned—and says he’ll never feel completely comfortable. Too much has changed. He leans back, his gut peeking out from beneath his black wife-beater, and says, “I’m never going to be back to the home they took from me.”*

I felt that while he’ll never be back to the home taken from him, the home he was in now was actually better than the one he left. He wasn’t, according to him, an addict. He had more money than ever. He was married. And he honestly didn’t seem all that torn up about prison whenever we talked. I actually felt the settlement worked—though it worked because he made good use of the money by starting a business.

But when I had other people read it—people who never met Roy—they didn’t have that same feeling when they finished the story. As Prof. Obbie wrote in his edits of the story, he believed that Roy “faces a bitter, bleak existence.” Prof. Chessher said that while she didn’t necessarily see him as bitter, she didn’t believe he’ll ever be comfortable, “that he was changed and rendered incapable of something as superlative as ‘joy.’” And I struggled with their interpretations differing with mine for a little. I didn’t wholly disagree with them, but I also



wanted them to feel similarly to how I felt. But Prof. Chessher helped me come to terms with the fact that it's not my job to tell people how to feel. And I knew that going in, but I'd become so attached to this story and these people, that a desire for everyone to agree with me seeped in.

I'd become affected. I'd become *changed*. But so had the people who read the story: they came away with a greater understanding of the struggles of the wrongfully imprisoned. I'd been successful.